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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :

SCHNEIDER, D. G.

Serial No.: 10/684,312

Art Unit: 3749

Filed: October 10, 2003

Examiner: S. Gravini

Atty Docket: DGS001

Confirmation No: 3321

For: COLLAPSIBLE HEATING APPARATUS

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Assistant Commissioner for Patents
Alexandria, Virginia 22313-1450

Sir:

In response to the Notice of Non-Compliant Amendment, mailed March 18, 2009, Applicant submits the attached revised Amendment along with an Interview Summary as was previously timely filed. A complete listing of the claims in compliance with 37 CFR 1.121 begins on page 2 of the Amendment. This response is believed to be timely filed. However, if additional extensions of time or fees, such as fees for added claims, are necessary to prevent abandonment of this application, then the undersigned may be contacted to expeditiously fulfill any such requirements.

Respectfully submitted,

Frank McKiel, Jr.

Reg. No. 43,792

Date: APRIL 16, 2009

Correspondence address:
5880 Derby Rock Loop
Manitou Springs, CO 80829
(719) 685-4700



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INTERVIEW SUMMARY UNDER 37 CFR 1.133(b)

Assistant Commissioner for Patents
Alexandria, Virginia 22313-1450

Sir:

Applicant submits the following responsive Interview Summary as required to make of written record before the Office the substance of the telephonic interview that occurred on February 20, 2009.

A copy of the Applicant Initiated Interview Request Form is attached hereto. References to the 'Applicant' below are understood to mean the named Applicant or a representative duly acting on Applicant's behalf.

INTERVIEW SUMMARY BY APPLICANT

Applicant thanks Examiner Gravini for the courtesy extended in a recent telephonic interview conducted on February 20, 2009. The substance of this interview is summarized as follows:

Applicant's representative, Frank McKiel, Jr., and Examiner Stephen Gravini discussed the Christen reference (U.S. Patent 3,856,374) which was cited as the basis of the §102 rejection in the most recent Office Action. Various citations in the remarks in the Action were missing from the Christen reference. Examiner Gravini and Mr. McKiel determined that the Christen reference may have been mistakenly cited and that correction or clarification from the Office would be needed by way of a subsequent Action.

The discussion then turned to the 'written description' shortcomings alleged in the recent Office Action. As confirmed verbally during the conversation, this §112 rejection centers around the "user selection" language in the present claims. Mr. McKiel noted passages in the specification (paragraphs 0006, 0015 and 0037) believed to support the limitation and commented as to the Office's burden to demonstrate inadequacy with respect to the written description requirement. Examiner Gravini mentioned receiving recent training as to possible changes in policy or law that may affect such a determination. Mr. McKiel indicated a willingness to receive and carefully consider any helpful information that the Examiner may wish to convey on the subject.

With respect to the "user selection" language presently recited in the pending claims, Mr. McKiel also expressed a willingness to consider any alternative language suggested by Examiner Gravini. However, Examiner Gravini indicated that he was unprepared to offer any suggested language.



Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on APRIL 17, 2009
Date

Signature

FRANK MCKIEL, JR.

Typed or printed name of person signing Certificate

43,792

Registration Number, if applicable

719-482-8464

Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

- RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT (1 PAGE)
- INTERVIEW SUMMARY (3 PAGES) + INTERVIEW REQUEST FORM (1 PAGE)
- AMENDMENT/REPLY (12 PAGES)

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

CONCLUSION

Applicant respectfully submits this Interview Summary as a true and accurate representation of what transpired during the telephonic interview. Applicant appreciates the suggestions and points raised by the Examiner, yet also urges the Examiner to reconsider the allowability of the claims in view of arguments and explanations provided during the conversation.

Respectfully submitted,



Frank McKiel, Jr.

Reg. No. 43,792

Date: MAR 03, 2009

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